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Chapter No. 447
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HOUSE BILL NO. 946

Originated in House



Clerk

HOUSE BILL NO. 946

AN ACT TO AMEND SECTION 63-16-3, MISSISSIPPI CODE OF 1972, TO REVISE THE PUBLIC SAFETY VERIFICATION AND ENFORCEMENT ACT TO DELETE CERTAIN PROVISIONS REGARDING THE DEPARTMENT OF REVENUE AND TAX COLLECTORS; TO REVISE THE DATE BY WHICH THE SYSTEM SHALL BE INSTALLED AND OPERATIONAL; TO AMEND SECTION 63-16-5, MISSISSIPPI CODE OF 1972, TO REVISE THE PUBLIC SAFETY VERIFICATION AND ENFORCEMENT ACT TO DELETE CERTAIN PROVISIONS' APPLICATION TO OWNERS OF MOTOR VEHICLES; TO AMEND SECTION 63-16-7, MISSISSIPPI CODE OF 1972, TO REVISE THE PUBLIC SAFETY VERIFICATION AND ENFORCEMENT ACT TO DELETE CERTAIN PROVISIONS REGARDING THE DEPARTMENT OF REVENUE AND TAX COLLECTORS; TO REPEAL SECTION 63-16-9, MISSISSIPPI CODE OF 1972, WHICH REQUIRES EVERY OWNER OF A MOTOR VEHICLE TO BE IN COMPLIANCE WITH MANDATORY MOTOR VEHICLE LIABILITY INSURANCE COVERAGE TO RECEIVE REGISTRATION OR RENEWAL OF; TO AMEND SECTION 63-16-13, MISSISSIPPI CODE OF 1972, TO REVISE THE PUBLIC SAFETY VERIFICATION AND ENFORCEMENT ACT TO DELETE CERTAIN PROVISIONS REGARDING THE DEPARTMENT OF REVENUE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-16-3, Mississippi Code of 1972, is amended as follows:

63-16-3. (1) The Department of Public Safety, hereinafter referred to in this section as "department," in cooperation with the Commissioner of Insurance and the Department of Revenue, shall

establish an accessible common carrier-based motor vehicle insurance verification system to verify the compliance of a motor vehicle * * * with motor vehicle liability policy requirements under the Mississippi Motor Vehicle Safety-Responsibility Law.

(2) The department, in cooperation with the Department of Revenue if applicable, may contract with a private vendor or vendors to establish and maintain the system.

(3) The system must:

(a) Send requests to insurers for verification of motor vehicle liability insurance using electronic services established by the insurers through the Internet, World Wide Web, or a similar proprietary or common carrier electronic system in compliance with the specifications and standards of the Insurance Industry Committee on Motor Vehicle Administration and other applicable industry standards;

(b) Include appropriate provisions to secure its data against unauthorized access and to maintain a record of all requests and responses;

(c) Be accessible, without fee, to authorized personnel of the department, * * * the courts, law enforcement personnel, * * * and other entities authorized by the department * * * under the provisions of Section 63-16-7;

(d) Be able to interface with existing department * * * systems;

(e) Be able to be accessed by authorized users via a secure web browser;

(f) Not more often than every thirty (30) days, receive insurance * * * information from insurers under specifications and standards set forth in paragraph (a) of this subsection or other data file formats as approved by the department to identify motor vehicle * * * insurance policy information; however, no insurer shall be required to provide information in a format other than those set forth by the Insurance Industry Committee on Motor Vehicle Administration "Insurance Data Transfer Guide," as amended;

(g) Provide a means by which low-volume insurers that are unable to deploy an online interface with the system can report insurance policy data to the department * * * or their designee for inclusion in the system;

(h) Provide a means to track separately or distinguish motor vehicles that are subject to a certificate of insurance under Section 63-15-39 or 63-15-41, a certificate of self-insurance under Section 63-15-53, a bond under Section 63-15-49, or a certificate of deposit of money or securities under Section 63-15-51;

(i) Distinguish motor vehicles that are exempt from the provisions of this chapter;

(j) Be available twenty-four (24) hours a day, seven (7) days a week, subject to reasonable allowances for scheduled

maintenance or temporary system failures, to verify the insurance status of any motor vehicle in a manner prescribed by the department * * *; and

(k) Be installed and operational not later than * * * March 1, 2016, * * * followed by an appropriate testing period of not less than six (6) months.

(4) Every insurer shall cooperate with the department and the Insurance Department * * * in establishing and maintaining the system and shall provide * * * motor vehicle liability policy status and information to verify liability coverage for * * * a motor vehicle insured by that company that is registered in this state * * *.

* * *

SECTION 2. Section 63-16-5, Mississippi Code of 1972, is amended as follows:

63-16-5. (1) A law enforcement officer or authorized employee of a law enforcement agency may, during the course of a traffic stop or accident investigation, access the verification system established under Section 63-16-3 to verify whether a motor vehicle is covered by a valid motor vehicle liability policy in at least the minimum amounts required under Section 63-15-3(j).

(2) The response received from the system supersedes an insurance card produced by a motor vehicle * * * operator, and notwithstanding the display of an insurance card by the * * * operator, the law enforcement officer may issue a complaint and

notice to appear to the * * * operator for a violation of the Mississippi Motor Vehicle Safety-Responsibility Law. A law enforcement officer may exercise discretion in issuing a citation during the first sixty (60) days after proof of temporary insurance is issued by an insurance company, if the verification system shows that the insured's policy is expired and the operator provides proof of insurance with a new insurance company or a new insurance card.

(3) Except upon reasonable cause to believe that a driver has violated another traffic regulation or that the driver's motor vehicle is unsafe or not equipped as required by law, a law enforcement officer may not use the verification system to stop a driver for operating a motor vehicle in violation of this chapter.

SECTION 3. Section 63-16-7, Mississippi Code of 1972, is amended as follows:

63-16-7. (1) The Department of Public Safety, hereinafter referred to in this section as "department," * * * shall administer and enforce the provisions of this chapter, as applicable, and shall make rules * * * necessary for the administration of the motor vehicle insurance verification system created under Section 63-16-3.

(2) The rules must:

(a) Establish standards and procedures for accessing the system by authorized personnel of the department, * * * the courts, law enforcement personnel * * * and any other entities

authorized by the department * * * that are consistent with specifications and standards of the Insurance Industry Committee on Motor Vehicle Administration and other applicable industry standards;

(b) Provide for the suspension of * * * a driver's license when required by this chapter;

(c) Prohibit the reinstatement of a * * * driver's license unless the applicable fines have been paid; and

(d) Provide for * * * insurance * * * information from insurers, not more often than every thirty (30) days, to identify motor vehicle * * * insurance policy * * * information; however, no insurer shall be required to provide such information in a format other than those set forth by the Insurance Industry Committee on Motor Vehicle Administration "Insurance Data Transfer Guide," as amended.

(3) The department * * * may adopt additional rules to:

(a) Assist authorized users in interpreting responses received from the motor vehicle insurance verification system and determining the appropriate action to be taken as a result of a response; and

(b) Otherwise clarify system operations and business rules.

SECTION 4. Section 63-16-9, Mississippi Code of 1972, which requires every owner of a motor vehicle to be in compliance with

mandatory motor vehicle liability insurance coverage to receive registration or renewal of, is repealed.

SECTION 5. Section 63-16-13, Mississippi Code of 1972, is amended as follows:

63-16-13. (1) If the * * * operator of a motor vehicle being operated on the public roads, streets or highways of the State of Mississippi or registered in the State of Mississippi * * * has been found failing to have motor vehicle liability insurance in at least the minimum amounts required under Section 63-15-3(j), * * * a court of proper jurisdiction shall suspend the * * * operator's driving privilege and shall impose a civil penalty in an amount of Three Hundred Dollars (\$300.00) upon a first violation, in an amount of Four Hundred Dollars (\$400.00) upon a second violation and in an amount of Five Hundred Dollars (\$500.00) upon a third or subsequent violation. If suspended, the * * * driving privilege shall not be reinstated until the * * * operator has motor vehicle liability insurance in at least the minimum amounts required under Section 63-15-3(j) and has paid the civil penalties imposed and driver's license reinstatement fees imposed by the Department of Public Safety. Any person shall have the right to appeal any suspension or civil penalty under this section in a court of proper jurisdiction. If the matter is appealed and a violation is found, then the court shall not reduce, suspend or suspend the execution of any penalty imposed under the provisions of this subsection, in whole or in

part. It shall be the duty of the county prosecuting attorney, an attorney employed under the provisions of Section 19-3-49, or in the event there is no such prosecuting attorney for the county, the duty of the district attorney to represent the state in any appeal held under this subsection. Civil penalties collected under this subsection shall be deposited into the special fund created under subsection (2) of this section. However, if the appeal of such civil penalty would be under the proper jurisdiction of a municipal court, One Hundred Dollars (\$100.00) of the funds from such civil penalty shall be deposited in the general fund of that municipality. If the appeal of such civil penalty would be under the proper jurisdiction of any of the courts of a county, One Hundred Dollars (\$100.00) of the funds from such civil penalty shall be deposited in the general fund of that county. A person convicted of a civil violation under this subsection (1) shall not be convicted of a criminal offense under Section 63-15-4(4) arising from the same incident.

(2) (a) There is created in the State Treasury a special fund to be designated as the "Uninsured Motorist Identification Fund." The fund shall consist of monies deposited therein as provided under subsection (1) of this section and monies from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to

the credit of the fund; however, one-half (1/2) of any monies in excess of the amount needed to defray the expenses and costs of the verification system created under Section 63-16-3 remaining in the fund at the end of a fiscal year shall be transferred to the Motor Vehicle Ad Valorem Tax Reduction Fund created under Section 27-51-105, and one-half (1/2) of any monies in excess of the amount needed to defray the expenses and costs of the verification system created under Section 63-16-3 remaining in the fund at the end of a fiscal year shall be transferred to the Mississippi Trauma Care Systems Fund created under Section 41-59-75.

(b) Monies in the special fund may be used by the Department of Public Safety * * *, upon appropriation by the Legislature, only for the purpose of defraying expenses and costs for the motor vehicle insurance verification system created under Section 63-16-3. In addition, at any time during a fiscal year, if the Department of Public Safety determines that funds in the Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund created under Section 45-2-1 are insufficient, the department may request the State Fiscal Officer to transfer funds from the Uninsured Motorist Identification Fund. The State Fiscal Officer may make an appropriate transfer if he determines that the funds in the Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund are insufficient and the funds in the Uninsured Motorist Identification Fund will be sufficient for defraying the expenses and costs for the motor vehicle insurance verification

system created under Section 63-16-3. Monies in the fund used for the purposes described in this paragraph (b) shall be in addition to other funds available from any other source for such purposes.

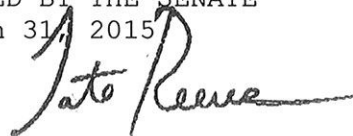
SECTION 6. This act shall take effect and be in force from and after its passage.

PASSED BY THE HOUSE OF REPRESENTATIVES
March 31, 2015



SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 31, 2015



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

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